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Chairman: Mr. Argüello ..... (Argentina)

Contents

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners (*continued*)

Agenda item 33: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*)*

Agenda item 34: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*)*

Agenda item 35: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*)*

Agenda item 36: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*)*

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)*

* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners (*continued*)

Question of Western Sahara (A/C.4/63/5/Add.9, Add.23, Add.28, Add.38, Add.40, Add.45, Add.48, Add.51, Add.53, Add.54, Add.57, Add.60 and Add.61)

1. *At the invitation of the Chairman, Mr. Olarte Cullen (Former President, Autonomous Community of the Canary Islands) took a place at the petitioners' table.*

2. **Mr. Olarte Cullen** (Former President, Autonomous Community of the Canary Islands) said that the Saharawis living under Moroccan rule were far better off than those in the refugee camps of Tindouf. It was for that reason that the Canary Islands had for many years budgeted substantial humanitarian aid for the inhabitants of those camps.

3. Spain's transition from dictatorship to democracy, which had coincided with its abandonment of Western Sahara, had been peaceful because all of its political and social forces had been able to renounce legitimate demands and positions for the benefit of the Spanish people as a whole. Similarly, the Frente POLISARIO and Morocco needed to make important sacrifices in order to be able to resolve their conflict peacefully for the sake of all Saharans.

4. One possible solution would be to give Western Sahara free association status since that would give the broad powers that came with full autonomy. Such a status would give the people the economic and financial advantages they needed to establish a modern and democratic society capable of fully achieving its potential for development.

5. *Mr. Olarte Cullen withdrew.*

6. *At the invitation of the Chairman, Mr. Simble (Norwegian Support Committee for Western Sahara) took a place at the petitioners' table.*

7. **Mr. Simble** (Norwegian Support Committee for Western Sahara) said that respect for international legality and human rights was essential for the successful resolution of any conflict. Unfortunately, some Governments were not quite willing to allow their actions to be guided by those norms when it came to Western Sahara.

8. Despite numerous United Nations resolutions confirming Western Sahara's status as Non-Self-Governing Territory and the illegality of Morocco's continued occupation of the territory, several States, including France and the United States, continued to support that occupation. Several private and state-owned companies also knowingly collaborated with Morocco in exploiting the Territory's natural resources.

9. In respect of human rights, he said that Saharawi human rights defenders had been singled out for maltreatment by Moroccan forces. Many of them were imprisoned in the infamous "black prison" in Laayoune, where they were subjected to a variety of human rights abuses including beatings, torture and rape.

10. The fate of those human rights defenders was crucial to the success of United Nations peace efforts in Western Sahara because they were doing the job of the Organization by actively promoting, through peaceful means, implementation of its resolutions. By risking their lives in defence of respect for human rights, international law and the inviolability of inherited colonial borders, they were laying the foundations for future peaceful coexistence between a decolonized Western Sahara and Morocco.

11. In order to end the occupation of Western Sahara, all Governments and organizations should pressure Morocco to halt immediately its repression of the Saharawis, respect human rights and end its virtual blockade of the territory.

12. *Mr. Simble withdrew.*

13. *At the invitation of the Chairman, Mr. Ropivia (Omar Bongo University) took a place at the petitioners' table.*

14. **Mr. Ropivia** (Omar Bongo University) said that, in view of the African Union's vision for a "United States of Africa", it was time to look at the question of Western Sahara from a new perspective. While the Moroccan autonomy proposal, did not fit the classic model of decolonization, it was compatible with the vision of a united Africa. Morocco had never been a colonial Power and it had been the first African country to request that Western Sahara be placed on the list of Non-Self-Governing Territories to be decolonized.

15. Recognizing that the classic equation of self-determination resulting in independence and the creation of a sovereign State was no longer valid in the context of globalization, the plan called for a federal relationship between Morocco and Western Sahara that respected the particularities of both peoples. Pragmatic and in line with contemporary conceptions of territory and statehood, the proposal also took into account the evolution of understanding of the various modes of implementing the right to self-determination as outlined in various General Assembly resolutions, particularly resolutions 1541 (XV) and 2625 (1970).

16. The Moroccan plan for autonomy within a federal union with a greater Morocco would allow the people to maintain their identity and endow them with the administrative powers they needed to govern themselves in the most efficient manner possible. Moreover, it would spare the world from a conflagration that could have catastrophic consequences, given the current global situation.

17. He called on the supporters of traditional solutions to the question of Western Sahara, namely independence or partition, to negotiate in a spirit of realism, consensus and compromise in order to reach a political solution that would preserve the unity of the Saharan people and the territorial integrity of Morocco.

18. *Mr. Ropivia withdrew.*

19. *At the invitation of the Chairman, Ms. Bahaijoub (Family Protection) took a place at the petitioners' table.*

20. **Ms. Bahaijoub** (Family Protection) said that it was time to decouple the political and humanitarian elements of the conflict in Western Sahara. So long as the Security Council continued to seek a lasting political solution, the refugees in the Tindouf camps should be allowed to choose whether they wished to return to Morocco or to settle somewhere else. While the Algerian Government had accorded some 4,000 Palestinian refugees nearly the same rights as Algerians, it refused to issue travel documents to Saharawi refugees.

21. International organizations that assisted the refugees of the Tindouf camps were working in the dark because they were unsure of exactly how many refugees there were. The only figures available were provided by the Algerian authorities, who insisted that the numbers had remained unchanged at over 150,000 since the start of the conflict. According to the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) the true number of refugees was closer to 90,000.

22. It was no secret that Algeria was exaggerating the number in order to bolster the Frente POLISARIO's credibility and keep regional tensions high. In fact, the majority of Saharawis, whether in the Tindouf camps or in Morocco, opposed the Frente POLISARIO. Since, according to Reuters, the Secretary-General's Personal Envoy to Western Sahara had suggested that an independent Western Sahara was not a viable proposition, it seemed that the only way of guaranteeing that the people of Western Sahara could run their own affairs was the Moroccan autonomy proposal. She therefore called on the international community to ensure that the ongoing negotiations between the parties were continued.

23. *Ms. Bahaijoub withdrew.*

24. *At the invitation of the Chairman, Mr. Cameron (World Action for Refugees (Norway)) took a place at the petitioners' table.*

25. **Mr. Cameron** (World Action for Refugees (Norway)) said that his organization had evidence of flagrant human rights violations in the Tindouf camps and he therefore called for an investigation into conditions in those camps.

26. Noting that, according to a recent Amnesty International report, in camps controlled by the Frente POLISARIO, freedom of movement, expression and association remained restricted and that perpetrators of human rights abuses continued to enjoy impunity, he pointed out that the presence of military installations in refugee camps was inconsistent with the purpose of such camps and that, as far back as 1987, the Executive Committee of the Programme of the United Nations High Commissioner (UNHCR) had urged States of refuge to do all within their power to ensure that the civilian and humanitarian character of refugee camps was maintained.

27. According to UNHCR guidelines, any organization engaged in assisting refugees was required to identify and register the refugees it protected. Despite those requirements, there had never been a credible, independent registration process in the camps and the number of refugees had always been provided by Algeria.

28. He therefore called on the Special Committee to exert pressure on the parties involved to carry out a credible and objective census in order to ensure that refugees received appropriate assistance and continued protection; to cooperate with national and international organizations to reunite refugee families and to inform the refugees in the Tindouf camps about their basic human rights.

29. *Mr. Cameron withdrew.*

30. *At the invitation of the Chairman, Mr. Pinto Leite (International Platform of Jurists for East Timor) took a place at the petitioners' table.*

31. **Mr. Pinto Leite** (International Platform of Jurists for East Timor and Stichting Zelfbeschikking West-Sahara) said that Morocco continued to defy General Assembly and Security Council resolutions on Western Sahara and violate international law with impunity.

32. Under international law, the obligation not to obstruct the right of a colonized people to self-determination was considered *jus cogens*, a legal principle so fundamental that it did not allow any exceptions. The obligation of States to refrain from torture were also *jus cogens*. Morocco had violated both norms.

33. Having committed itself to holding the referendum on self-determination, Morocco had now reneged, citing difficulties in determining the number of eligible voters. However, it seemed to see no obstacles when the only option on the referendum was its own autonomy plan.

34. The Moroccan authorities had attempted to depict the Saharawi struggle for self-determination as illegal and had even called it terrorism. That was a ridiculous accusation, given that the Saharawi had adhered scrupulously to the 1991 ceasefire, even though that ceasefire was part of the autonomy plan that had never been implemented.

35. Recalling that some of the petitioners in favour of the Moroccan position had called for the establishment of an ad hoc tribunal in order to investigate crimes committed, he said that the first concern of such a tribunal should be the crimes committed in Moroccan-occupied Western Sahara. Clearly the proposal was not sincere because Morocco had opposed the release of a report by the United Nations High Commissioner for Human Rights on the human rights situation in Moroccan-occupied Western Sahara and had opposed the expansion of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) to include human rights.

36. *Mr. Pinto Leite withdrew.*

37. *At the invitation of the Chairman, Mr. Soroeta Liceras (Universidad del País Vasco) took a place at the petitioners' table.*

38. **Mr. Soroeta Liceras** (Universidad del País Vasco) noted that as the occupying Power in Western Sahara, Morocco was in contravention of international humanitarian law. Furthermore, the United Nations Office of Legal Affairs had confirmed, in 2002, that Morocco was not the administering Power, which made its exploitation of the territory's natural resources illegal. The United Nations had recognized the Saharawi people's right to self-determination, and only the exercise of that right through a referendum would put an end to the conflict.

39. Eighteen years earlier, the Security Council had approved the Settlement Plan, which called for a referendum with two options on the ballot: independence or integration. However, Moroccan efforts to forestall Saharawi independence had rendered the plan unrecognizable. Although the Baker Plan that followed provided for a referendum under far more favourable conditions for Morocco, whose colonists in the territory vastly outnumbered Saharawis and were eligible to participate, the Moroccan Government had once again interrupted the referendum process and withdrawn from negotiations.

40. While the Frente POLISARIO had made countless concessions, including giving up its right to armed struggle, Morocco had consistently manipulated the peace process to avoid the holding of a referendum. The Settlement Plan, which had been freely negotiated by both parties and had been approved by the Security Council, made any new agreements unnecessary. Despite the inability of the Council to impose a final solution, it was indisputable that international law was on the side of the Saharawi people.

41. The autonomy plan proposed by Morocco was not in line with relevant international agreements. Were the Saharawi to accept it and return to their land on those terms, the conflict would become an internal issue within Morocco and Saharawi nationalistic fervour would erupt into protests.

42. In closing, he urged the Committee to continue to promote decolonization of Western Sahara despite Moroccan pressures, and also noted with dismay the presence at the meeting of two Moroccan officials against whom Spain had brought charges of crimes against humanity.

43. *Mr. Soroeta Liceras withdrew.*

44. *At the invitation of the Chairman, Mr. Jiménez, journalist, took a place at the petitioners' table.*

45. **Mr. Jiménez**, speaking in his personal capacity, said that Saharawi society — which was, by definition, Moroccan — demanded a clear division between those who opposed Algerian coercion as an instrument of political action and those not willing to do so. Thirty-three years after the configuration of the Sahara as part of Morocco, the political pact symbolized by the Green March remained unfulfilled due to pressures from neighbouring countries. A firm commitment to ethical principles must be made by all, independent of political considerations. Such a commitment might compel Algeria to abandon its support of a fictitious State to the south, as that support had prolonged the suffering of Moroccans living in southern provinces.

46. A majority of Saharawi citizens living in Algeria were deprived of the most basic rights and freedoms, including freedom of expression, as evinced by the absence of any first-hand account of living conditions in the Tindouf camps on the Internet. Moreover, whereas Saharawis living in the south of Morocco could participate freely in the electoral process, their counterparts in Algeria did not even know what a voting booth was.

47. *Mr. Jiménez withdrew.*

48. *At the invitation of the Chairman, Mr. Bastagli took a place at the petitioners' table.*

49. **Mr. Bastagli** said that although the United Nations had repeatedly reaffirmed its responsibility towards the people of Western Sahara, it had not been able to ensure that the Saharawis exercised their inalienable right to self-determination. The Committee had also failed to fulfil its specific obligation to protect their interests and welfare. The outrageous lack of independent information and advocacy on Western Sahara in the Secretariat was exemplified by the soporific reports submitted to the Committee, in contrast to the substantial information provided by administering Powers on other non-self-governing territories.

50. In the absence of a legitimate administering Power for Western Sahara, it became the duty of the Committee to fulfil the "sacred trust" cited in the Charter, stalled political process notwithstanding. In that connection, the Secretary-General and concerned United Nations agencies should be asked to secure independent information on the economic and social conditions of the Saharawi people — wherever they might be living — as well as on governance and human rights issues; transmit the information to United Nations and other relevant intergovernmental bodies; advocate the basic human and economic rights of the Saharawi people in pursuit of an equitable solution; and formulate and implement a programme of assistance to the Saharawi people.

51. He wondered whether the current hands-off approach adopted by Member States and the Secretariat, however well-intentioned, had in fact, handicapped the search for a fair and lasting solution in Western Sahara. By providing the necessary information, advocacy and assistance, the Organization could prevent growing discontent from degenerating into civil unrest and open conflict, and provide a more informed and open decision-making environment for the political process.

52. *Mr. Bastagli withdrew.*

53. *At the invitation of the Chairman, Mr. Morillas Gómez (Autonomous Community of Madrid) took a place at the petitioners' table.*

54. **Mr. Morillas Gómez** (Autonomous Community of Madrid) expressed concern at the flow of undocumented people into Spain from North Africa, noting that one contributing factor might be the fact that resources that might otherwise have been invested in regional development were being squandered on Morocco's costly occupation of Western Sahara. Meanwhile, an "immigration industry" was capitalizing on the desperation of people willing to pay an average of 900 Euros for a seat on an overcrowded vessel.

55. Mounting social discontent and misery were exacerbating tensions throughout North Africa and had recently led to the overthrow of the Government of Mauritania. Drug trafficking and terrorist activities were also on the rise in Morocco. The United Nations must act to prevent the emergence of narco-terrorist

alliances such as those that had proliferated in Colombia and must take into account the fact that Moroccan problems could have repercussions throughout the entire region.

56. *Mr. Morillas Gómez withdrew.*

57. *At the invitation of the Chairman, Mr. Diallo (Centre d'Etudes Diplomatiques et Stratégiques de Dakar) took a place at the petitioners' table.*

58. **Mr. Diallo** (Centre d'Etudes Diplomatiques et Stratégiques de Dakar) said that the Committee had failed to make much headway towards resolving the question of Western Sahara because of its misunderstanding of the issue. Western Sahara had been a part of Morocco since antiquity. The issue should be viewed, not in terms of decolonization, but rather in terms of autonomy, hence the wisdom behind the Moroccan initiative, which heralded a new model of global governance that was bound to have a positive impact on the entire region and across the African continent.

59. He urged the Committee to rally around the brilliant Moroccan proposal as a means of moving towards finding a lasting solution to the question of Western Sahara.

60. *Mr. Diallo withdrew.*

61. *At the invitation of the Chairman, Ms. Oksalampi (YAAKAARE-REDHRIC) took a place at the petitioners' table.*

62. **Ms. Oksalampi** (YAAKAARE-REDHRIC) said that it would be difficult to fully grasp the reality of the Tindouf refugee camps without having visited them. There was absolutely no freedom of expression in the camps, and all activities, in particular, visits by foreigners were monitored, regimented and contrived down to the last detail. In 1988 hundreds of refugees in the Tindouf camps had rebelled; authorities had responded with beatings and torture and some people had disappeared. Saharawi officials now conceded that the response had been "excessive".

63. After confirming that food aid intended for Saharawi refugees was being diverted by camp authorities, the European Commission Humanitarian Aid Office (ECHO) had taken measures to deter such fraud.

64. Three years earlier, the International Committee for the Tindouf Prisoners had urged the Committee to initiate an investigation into the fate of Moroccan prisoners of war who had been seen last at the Tindouf refugee camps and had also called for compensation for prisoners and their families. Regrettably, no action had been taken in that regard. In contrast, the Moroccan Government had compensated all its repatriated soldiers.

65. She also expressed grave concern at the fate of Mauritanian prisoners of war and torture victims, and at the situation of all civilian Saharawis, particularly the slaves held by the Frente POLISARIO. Indeed, camp society continued to be plagued by slavery and the resulting anti-black racism, along with prejudice on the basis of tribal affiliations.

66. Finally, she read out an excerpt from a press release on the 2007 arrest by POLISARIO security forces of two Australian journalists who had discovered and reported on the ongoing practice of slavery in the Tindouf camps.

67. *Ms. Oksalampi withdrew.*

68. *At the invitation of the Chairman, Ms. d'Origny took a place at the petitioners' table.*

69. **Ms. d'Origny**, speaking in her personal capacity, observed that the people of Western Sahara, suffering under brutal Moroccan treatment, should be free to live in a State that the majority had chosen to represent them. Yet the international law that would permit that to happen had not been applied, ever since Spain's abandonment of its responsibilities in Western Sahara and Morocco's military occupation of the Territory on a pretext of sovereignty that the International Court of Justice had ruled was groundless.

70. Morocco had bullied the world into believing that it should be part of the Saharan vote for self-determination to be held under United Nations auspices. At the same time it had continually interfered with the work of the United Nations Mission for the Referendum in Western Sahara (MINURSO), by seeking to inflate the voter rolls with Moroccans posing as Saharans; once it had realized that it would never win the vote, it had refused to recognize independence as an option. Morocco, illegal occupier, known violator of Saharan human rights and thief of the Territory's natural resources, was now proposing an "autonomy plan" as an alternative.

71. The Secretary-General's new Special Envoy would have the job of seeing that Western Sahara was

freed from shameful colonial rule. It was not often that the law was so clear and the opportunity to make history so readily available.

72. *Ms. d'Origny withdrew.*

Question of New Caledonia (A/C.4/63/6 and Add.1)

73. *At the invitation of the Chairman, Mr. Boanemoi (Customary Senate of Ajie-Aro) took a place at the petitioners' table.*

74. **Mr. Boanemoi** (Customary Senate of Ajie-Aro) recalled that the Customary Senate of which he was a member had been founded under the Nouméa Accord to safeguard the Kanak identity that would be the cornerstone of the future State of New Caledonia. Reviewing the main obstacles to the emancipation of his people, he said that the Kanaks, who were to have been at the centre of the institutional arrangements during transitional self-rule, had found themselves instead being marginalized, especially in key sectors of society. They were also becoming a minority in their own country because of increasing immigration from metropolitan France following the signing of the Matignon and Nouméa Accords, despite French promises to stem that flow. A bill to restrict the right of immigrants to work had yet to be adopted.

75. Moreover, the great gap between the tribal or provincial way of life and the modern "progressive" urban model patterned on the French way of life was causing a breakdown in Kanak society, leading to delinquency, addiction, violence and even suicide among the young. Young Kanaks, especially in the provinces, lagging in education in comparison with young people of European origin and lacking the degrees offered by the elitist French-inspired schools, were unable to find jobs, and that too encouraged delinquency. After 155 years of colonization, there was still not a single Kanak lawyer in Nouméa; there were three doctors, a few dozen engineers and only one magistrate and one university professor.

76. In addition, the land tenure agency established under the Nouméa Accord to enable Kanaks to buy property in suburban areas had been insufficiently funded. Real estate speculation was putting property out of reach for most Kanaks, creating a new form of colonization and preventing Kanaks from achieving the economic self-sufficiency that was their due.

77. Having suffered from the pollution created by the various industries in the Territory since the 1880s, the Kanaks — by tradition and belief respectful of the environment — were fighting to save the country by insisting on observance of anti-pollution norms that might prevent climate change and encourage biodiversity. The French Government should assist them in that.

78. Noting that the future of the Kanak people was the Committee's responsibility, he asked it to help the Kanaks close the chapter of colonialism with dignity. The Customary Senate invited the Committee to send a visiting mission to New Caledonia, as it had done in 1999, and it offered to host the next United Nations regional seminar on decolonization.

79. *Mr. Boanemoi withdrew.*

80. *At the invitation of the Chairman, Mr. Wamytan (Front de libération nationale kanak socialiste (FLNKS)) took a place at the petitioners' table.*

81. **Mr. Wamytan** (Front de libération nationale kanak socialiste (FLNKS)), speaking as representative of FLNKS and as special adviser to the President of the Customary Senate, said that his political movement represented the emerging Kanak State in preparation for the provincial elections to be held in 2009. France, however, did not desire the independence of New Caledonia and was doing everything to prevent it from achieving sovereignty, preferring rather to keep it within the French and European orbit. France always placed its own interests above those of the people of New Caledonia and gave primacy to its own constitution over United Nations decolonization norms.

82. FLNKS, like the Customary Senate, had always insisted on strict implementation of the Nouméa Accord; however, the decolonization process had now stalled, Kanaks had been virtually pushed out of the process and the people remained marginalized economically and professionally. Moreover, massive immigration from metropolitan France, largely to Southern Province, raised the spectre of partition with European settlers, a majority in the south.

83. Furthermore, the long-standing pillage of natural resources continued to intensify, even though the Kanak people, through their customary representation in the Senate and their political representation in FLNKS, had always defended the principle that the people were the masters and should be the beneficiaries

of their own natural wealth. Contrary to the provisions of the Nouméa Accord, the continuing colonial exploitation of New Caledonia's natural resources, particularly through large French or multinational metallurgical projects was depleting the resources that would be required for the exercise of self-determination, and threatening the viability of the future Kanak state.

84. What was more, the latest decision by the French President to regroup all French military forces in the Pacific in New Caledonia in order to ensure its presence in Melanesia violated the obligation of administering Powers not to use Non-Self-Governing Territories for military bases or installations. The Kanak people would also have to watch out for possible manoeuvres or interpretations that would undermine their right to vote in the referendum of self-determination to be scheduled between 2014 and 2018.

85. FLNKS asked for a United Nations investigation into the transactions by which France had allowed multinational control of certain natural resources and also into the responsibility of the French army for the Ouvéa massacre.

86. *Mr. Wamytan withdrew.*

Agenda item 33: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/63/65)

Agenda item 34: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/63/23 (chaps. V and XII))

Agenda item 35: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/63/23 (chaps. VI and XII) and A/63/61)

Agenda item 36: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/63/67)

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/63/23 (chaps. VIII, IX, X and XII), A/63/23/Add.1 and A/63/131)

87. **The Chairman** invited the Committee to continue the general debate on the items under consideration.

88. **Mr. Butt** (Pakistan) said that progress on the unfinished decolonization agenda had been painstakingly slow in recent years, due to lack of implementation of relevant international commitments and obligations. His delegation supported the recommendations of the Special Committee, including the call on the administering Powers to take all necessary steps for full and effective implementation of the Declaration on decolonization, and the relevant United Nations resolutions.

89. The international community must renew its commitment to the complete eradication of colonialism. Furthermore, decolonization and self-determination — a fundamental human right — were essential to guaranteeing the universal respect for all human rights and fundamental freedoms. His Government therefore supported the inalienable right of all peoples living in non-self-governing territories, as well as those living under foreign occupation and colonial or alien domination, to self-determination.

90. Resolution of the issue of Western Sahara would be in the interest of lasting peace and cooperation in that part of the world. The ongoing negotiations process should lead to a mutually acceptable, negotiated and peaceful settlement that provided for self-determination of the people of Western Sahara.

91. The people of Palestine and the people of Jammu and Kashmir, had been waiting for decades to exercise their inalienable right to self-determination. Peaceful resolution of those core underlying issues was necessary for achieving peace, stability and progress in the Middle East and South Asia. For Palestine, hopes were still pinned on the Annapolis process, which had envisaged a peace treaty by the end of 2008. A composite peace process was also under way between India and Pakistan, whose leaders had recently agreed on several measures to promote an increasingly constructive dialogue for the peaceful resolution of the Jammu and Kashmir issue.

92. **Mr. Gregoire** (Dominica), speaking on behalf of the member States of the Caribbean Community (CARICOM), said that the region remained fervently committed to helping resolve the stalemate in the decolonization process, especially in the case of the small island Territories in the Caribbean and Pacific. It was disappointing that self-determination, and hence justice, for the peoples of the remaining 16 Non-Self-Governing Territories were still being denied in the twenty-first century.

93. A number of proposals had been made by both Member States and the dependent Territories themselves over the last two decades designed to invigorate the decolonization process, but they had not been implemented. Some of the activities proposed were noteworthy: the establishment of an expert group to examine the conditions in the colonial Territories; analytical studies — not just basic statistics or general information — on political and constitutional developments on the ground in the Territories; the establishment of special mechanisms to monitor the compliance of the United Nations system and Member States with the decolonization mandate, together with expert analysis of the small Territories, as called for in the Plan of Implementation of the Decolonization Mandate (resolution 61/130); and application of the case-by-case analysis of each Territory that had been adopted by the General Assembly. Those were only a sampling of innovative measures that had never been implemented either because of a lack of cooperation from administering Powers or resistance from the United Nations Secretariat. Surely the ability of Member States to effect real decolonization could not be limited to annual expressions of support for principles and the adoption of repetitive resolutions without regard for their implementation. It was time to deliver more concrete results.

94. CARICOM reiterated its endorsement of the special mechanisms contained in the Plan of Implementation, together with an accurate assessment of their programme budget implications. It also endorsed the convening of an expert seminar to examine the impact of the United Nations decolonization process on indigenous peoples in the Territories, in conjunction with the Committee on the Elimination of Racial Discrimination, the Special Committee and relevant rapporteurs of the Economic and Social Council, as recommended by the Permanent Forum on Indigenous Issues; and it supported the call of the Permanent Forum for the Human Rights Council for the designation of a special rapporteur on the situation of the indigenous peoples of the Non-Self-Governing Territories.

95. In the Caribbean, the dependent Territories were integral to the wider regional integration process, six or seven of them being members of CARICOM and three being members of the Organization of Eastern Caribbean States (OECS). All of them participated in regional inter-governmental institutions and several of them shared the Eastern Caribbean currency.

96. The interest of CARICOM in the political, economic and constitutional evolution of the Non-Self-Governing Territories as they proceeded towards self-determination was a logical consequence, and CARICOM had always sought to give voice in international forums to their concerns, especially over political dependency arrangements and inconsistent implementation by the United Nations of the various decolonization mandates. CARICOM had, for instance, called for reconsideration of the denial of the request of the Government of Montserrat to participate in the CARICOM Single Market and Economy; it had taken note of the OECS recommendation that the dependent Caribbean Territories should be enabled to sign and ratify OECS treaties on their own, and had welcomed the establishment of the OECS representation office in Puerto Rico to advance cooperation in all fields. The membership of the Caribbean and Pacific Territories in their respective United Nations regional economic commissions and their participation in selected world conferences and special sessions of the General Assembly was preparing them for the attainment of full self-government. They should also be allowed to take part in relevant technical programmes of the Economic and Social Council and other programmes of the wider United Nations system.

97. CARICOM urged the Office of the United Nations High Commissioner for Human Rights to publish its findings on the disquieting human rights violations committed against the people of Western Sahara. CARICOM supported the negotiation process under Security Council resolution 1754 (2007) and encouraged the Secretary-General to help advance a political solution that would guarantee the most viable option: the self-determination of the people of Western Sahara.

98. **Mr. Badji** (Senegal) said that in its consideration of the issue of the Western Sahara, the Committee must keep in view the primary objective of finding a just and lasting solution to the conflict. The proposal of Morocco, supported by Senegal, to give broad autonomy to Western Sahara seemed a realistic and reasonable way to allow the parties to find such a solution. In view of the apparently mutually exclusive positions of the two sides, only sincere negotiations could lead to a fair and lasting settlement of the problem. There was now an even greater need for the protagonists to display the realism and spirit of compromise needed to maintain the pace of the negotiations. Senegal reiterated its support for all the initiatives of the Secretary-General aimed at achieving a lasting solution to the conflict, and welcomed the signing of the agreement between the two sides regarding arrangements for expanding overland family visits. There should be many more such actions, to demonstrate that all roads to peace remained open; in the meantime, the Committee should arrive at a consensus on the draft resolution, so as to send a strong signal to the opposing sides and to the peoples of the region who were suffering the consequences of the conflict.

99. **Mr. Al Habib** (Islamic Republic of Iran) said that as long as millions of people in the Non-Self-Governing Territories continued to expect the Organization to help them end the scourge of colonialism, the issue of decolonization should remain a top priority in the agenda of the United Nations.

100. While the United Nations was to be commended for its work in the field of decolonization, some Member States nevertheless lacked the political will to implement the relevant provisions of the Charter. He urged the administering Powers to provide full support for the decolonization efforts of the United Nations, and called for the process of decolonization to be accelerated in order effectively to implement the plan of action of the Second Decade for the Eradication of Colonialism. For its part, the Special Committee had also to find more innovative and practical ways to fulfil its mandate on the basis of improved cooperation with administering Powers and in full recognition of the aspirations and interests of the peoples of Non-Self-Governing Territories.

101. The persistence of colonization was a matter of grave concern. United Nations decolonization policies and mechanisms should be reviewed in order to assist the Non-Self-Governing Territories truly to exercise their right to self-determination, and also with an eye to preventing the emergence of new economically, politically or culturally colonized territories. The small size and inadequate economic resources of the 16 remaining Non-Self-Governing Territories raised the risk of perpetuating colonialist affiliations under the pretext of modernity and democratic processes. His delegation reiterated the importance of the political, economic, social and educational advancement of Non-Self-Governing Territories in the decolonization process as a prerequisite to any decision to change their status. Promoting such advancement prior to the exercise of the right of self-determination was the responsibility of the administering Powers.

102. **Mr. Malhotra** (India) said that the continued existence of 16 Non-Self-Governing Territories served as a reminder that the process of decolonization remained unfinished. There was a need to blend urgency and activism with sensitivity and circumspection in approaching the task ahead; the needs and special circumstances of the people should be taken into account. Understanding of the political aspirations and stages of development of the people of each Territory was critical in enabling them to develop the political and socio-economic structures of their choice; a "one size fits all" approach was to be avoided at all costs.

103. For genuine constitutional and political advancement to occur, the peoples of a Territory must have sustained access to unbiased information about the political options open to them. Accordingly, the administering Powers should facilitate visits by United Nations missions to the Territories and the Special Committee should continue to organize regional seminars.

104. The cooperation and flexibility displayed by administering Powers in recent years could also form a basis for assisting the Special Committee in devising action plans for the decolonization of certain Territories. New Zealand had cooperated commendably with the Special Committee in regard to Tokelau; other administering Powers should follow its example. His delegation also agreed that the Special Committee should develop a mechanism for the systematic annual review of specific recommendations on decolonization, with a focus on the mandate as set out in General Assembly resolutions and the plan of action of the Second Decade.

105. The representative of Pakistan had recently made an unwarranted reference to the Indian state of Jammu and Kashmir, but should have refrained from making such comments on the internal affairs of another Member State. Such comments also ran counter to the agreed conclusions and recommendations of the Special Committee, which noted that statements of that kind were incompatible with the purposes and principles of the Charter of the United Nations. Nevertheless, India looked forward to a profound transformation in its relationship with Pakistan, enabling the two countries to work together on their shared objectives of peace, prosperity and security.

106. **Mr. Muburi-Muita** (Kenya), speaking on behalf of the Group of African States, said that although most of the world's people were no longer under colonial rule, it was regrettable that there were still 16 Non-Self-Governing Territories. Justice and freedom were nothing if not universal, and the entire membership of the United Nations should rededicate itself to implementing the Declaration on decolonization.

107. That required a collaborative effort, and therefore the Special Committee was urged to continue its dialogue and cooperation with the administering Powers. The Powers themselves should facilitate United Nations visiting and special missions to the Territories under their administration and should regularly transmit information on conditions there, while fulfiiling their obligation to promote the advancement of such Territories and to safeguard their natural resources as the heritage of their peoples.

108. Despite the United Nations consistent recognition of the inalienable right of the Saharawi people to self-determination and independence, Western Sahara remained a Non-Self-Governing Territory. The African Group urged the Frente POLISARIO and Morocco to continue direct negotiations without preconditions and in good faith, in order to achieve a just, lasting and mutually acceptable solution. There was no justification for continuing to delay resumption of talks.

109. The African Group reiterated its full support for the work of the Special Committee on decolonization.

110. **Mr. Mbuende** (Namibia) said that as the Second Decade drew to a close, it was the collective responsibility of the Member States to ensure that colonialism was eradicated from the face of the planet by the year 2010. Namibia called on countries administering Non-Self-Governing Territories to speed up the process of granting independence and self-determination to the peoples of those Territories, and urged the United Nations and the Committee to leave no stone unturned in their efforts to bring a speedy end to colonialism and foreign occupation.

111. Namibia supported the African Union's consistent position that the inalienable right of the people of Western Sahara to self-determination was not negotiable, a position given further credence by the 1975 advisory opinion of the International Court of Justice stating that no legal ties of territorial sovereignty existed or were recognized internationally between Morocco and Western Sahara. In resolution 34/37, the General Assembly had referred to Morocco's presence in that Territory as a "continued occupation", and many subsequent resolutions called for a just, lasting and mutually acceptable political solution through the holding of a referendum providing for the self-determination of the people of Western Sahara. He therefore urged the Government of Morocco to hold a referendum without further delay, in accordance with the Settlement Plan agreed between Morocco and the Frente POLISARIO.

112. Namibia noted with concern reports of human rights violations against the Saharawi people, and urged the Security Council to mandate the United Nations Mission for the Referendum in Western Sahara (MINURSO) to monitor human rights violations in that Territory. It was unacceptable that some Member States continued to refuse to include any mention of human rights in resolutions on the question of Western Sahara. Namibia was also concerned that the right of the people of Palestine to exercise their inalienable right to self-determination remained unresolved, and called for the immediate implementation of all United Nations resolutions on Palestine and the establishment of an independent Palestinian State.

113. **Mr. Maboundou** (Congo), after associating his delegation with the statement delivered by the representative of Kenya on behalf of the African Group, noted with concern that the Second Decade was drawing to a close without significant progress towards the eradication of colonialism. The international community must assist the Non-Self-Governing Territories to achieve the conditions that would enable them to exercise their right to internationally recognized self-determination. Stressing the urgency of

completing the decolonization process, he called on the administering Powers fully to cooperate with the Special Committee on Decolonization in enabling the peoples of Non-Self-Governing Territories to achieve self-determination. In that regard, his delegation reiterated its appreciation of the positive manner in which New Zealand had worked with the Special Committee in setting in motion the self-determination process for Tokelau, and called on the international community to continue assisting the people of Tokelau and other Non-Self-Governing Territories effectively to deal with the challenges posed by climate change and rising sea levels.

114. On the question of Western Sahara, his delegation requested the parties to the conflict to demonstrate the political will and willingness to engage in dialogue in order to negotiate on basic issues and ensure the implementation of the relevant Security Council resolutions so as to arrive at a fair, lasting and mutually acceptable political solution.

115. His delegation also stressed the importance of information programmes in the decolonization process, and called for the strengthening of working relations between the Special Committee and the Department of Public Information. Special Committee missions to the Non-Self-Governing Territories, as well as regional seminars like the one held at Bandung, Indonesia, in May 2008 were of particular importance in that they enabled the evaluations of the specific conditions in each of the Territories. Communication among the Special Committee, the Department of Public Information and the Department of Public Affairs should also be strengthened in order better to disseminate information on the right to self-determination in those Territories.

116. Closer cooperation was needed between the Special Committee and the administering Powers, with a view to setting up specific programmes of work tailored to each Territory and designed to facilitate the carrying out of the mandate of the Special Committee and the implementation of the resolutions on decolonization. The administrative Powers should also provide the Special Committee with up-to-date information on the social and economic conditions obtaining in the Territories for which they were responsible. The administrative Powers should refrain from engaging in any activity that ran counter to the interests of the peoples of the Territories, and should ensure the development of those Territories while taking the specific needs of each people into account. Moreover, closer contacts between the Special Committee and the Economic and Social Council would contribute to the strengthening of cooperation for economic and social development in the Territories.

117. **Mr. Chabar** (Morocco), speaking on a point of order, said that his delegation wished to dissociate itself from the content of the statement made by Kenya on behalf of the African Group, as members of the group had not been consulted about it prior to its delivery.

The meeting rose at 5.55 p.m.